

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Chad Jason Ayers,

Defendant.

CR 11-00794-004-TUC-RCC(CRP)

**MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION
UPON A PLEA OF GUILTY**

Upon Defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter was referred to the Magistrate Judge by the District Court, with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States.

Thereafter, the matter came on for a hearing on Defendant's plea of guilty to Count(s) 1 & 15 of the Indictment which charges 18:1349; CONSPIRACY TO COMMIT WIRE FRAUD & CT 15 18:1956(h) CONSPIRACY TO COMMIT MONEY LAUNDERING in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge, in open court and on the record.

In consideration of that hearing and the allocution made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney,

(A) I FIND as follows:

(1) that Defendant is competent to plead;

1 (2) that Defendant understands his/her right to trial;

2 (3) that Defendant understands what the minimum mandatory and
3 maximum possible sentence is, including the effect of the supervised release term, and
4 defendant understands that the sentencing guidelines apply and that the court may depart
5 from those guidelines under some circumstances;

6 (4) that the plea of guilty by the Defendant has been knowingly and
7 voluntarily made and is not the result of force or threats or of promises apart from the
8 agreement between the parties;

9 (5) that Defendant understands the nature of the charge against him/her;

10 (6) that Defendant understands that his/her answers may later be used
11 against him/her in a prosecution for perjury or false statement; and

12 (7) that there is a factual basis for the Defendant's plea;

13 (8) that the defendant knowingly, intelligently and voluntarily waived
14 his/her right to appeal or collaterally attack his/her conviction and any
15 sentence imposed if it is within the range permitted by the plea
16 agreement;

17 and further,

18 (B) I RECOMMEND that the District Court accept the Defendant's plea of guilty to
19 Count(s) 1 & 15 of the Indictment which charges 18:1349; CONSPIRACY TO COMMIT
20 WIRE FRAUD & CT 15 18:1956(h) CONSPIRACY TO COMMIT MONEY
21 LAUNDERING.

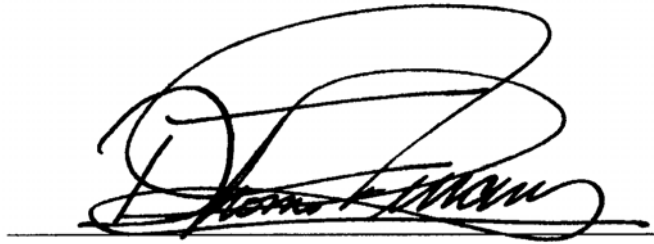
22 (C) The parties have fourteen (14) days from the date of service of this Report and
23 Recommendation to file written objections with the District Court.

24 IT IS FURTHER ORDERED:

25 (D) Presentence Report to be prepared. (1) Any objection(s) to the presentence report shall
26 be filed no later than 14 days after receiving the presentence report pursuant to Fed.R.
27 Crim.P. 32 (f) (1); (2) any response to the objection(s) to the presentence report shall be filed
28 no later than 11 days after receiving the objection(s); (3) any sentencing memorandum shall
be filed no later than 5 business days prior to sentencing; (4) Any party seeking to continue
a sentencing date shall file a Motion to Continue no later than two (2) business days prior to
the date of the hearing. Additionally, counsel shall telephonically notify chambers when
sentencing is within two (2) business days; (5) failure to comply with this Order may result
in the imposition of sanctions.

1 DATED this 2nd day of May, 2013.

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A handwritten signature in black ink, appearing to read "D. Thomas Ferraro", is written over a horizontal line. The signature is stylized with large, sweeping loops.

D. Thomas Ferraro
United States Magistrate Judge